

## Citizens' Oversight Projects (COPs)

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David Miyashiro, Ed.D.  
Superintendent  
Cajon Valley Union School District  
[miyashirod@cajonvalley.net](mailto:miyashirod@cajonvalley.net)



REF: Request for Information RFI-1483.

Dear Dr. Miyashiro:

It has come to our attention that the Cajon Valley Union School District rents out school facilities for use by churches on a long-term basis, for regular worship services, thereby excluding other renters for those same facilities and time slots. We are now reviewing this because the City of El Cajon points to the use of school district facilities by churches as proof that they can also do the same at the ECPAC theater, as they are now proposing to lease it to the Rock Church on an extensive basis.

This practice – holding church services in public schools – has always bugged me and others who have communicated the same surprise that it is even possible. But since it was done, we assumed that although it was a bit disgusting to see the school district cater to specific religions, that perhaps such access was required. Our research with the Rock Church case leads us to believe that the practice is not in compliance with the U.S. Constitution, and most particularly, the California State Constitution, which includes a “nonpreferential” clause:

### CALIFORNIA CONSTITUTION ARTICLE 1 DECLARATION OF RIGHTS

SEC. 4. Free exercise and enjoyment of religion **without discrimination or preference** are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

We acknowledge that the U.S. Supreme Court has ruled in the case *Lamb's Chapel v. Center Moriches Union Free School Dist.* 508 U.S. 384 (1993) [<http://supreme.justia.com/cases/federal/us/508/384/>] that events with a religious perspective must be allowed to use the facility if other events also use the facility, and if the facility is offered to the public for use. However, if you have a long-term lease agreement with a church to use school facilities, this implies to the public that this religion is endorsed by the school district, and it is preferential, as other religions or nonreligious users could not use the facility during the same time slot in that school, since the church would want to meet in the same place and time each week. The case of *Lamb's Chapel* involved only an occasional use of the building by a church, and not a captive

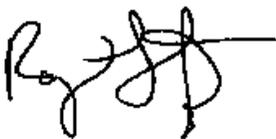
use over many weeks, months, or years, which implies a “preference” for this religion and implies, as mentioned, that the school board has implicitly approved of the religion as being “good” and “acceptable”.

We would appreciate your help in getting to the bottom of this, and we have the following questions for you. Some of these can be regarded as requests for public records under the California Public Records Act. Others may go a bit beyond the exact tenets of the act, but we request your help anyway, as much as you can provide. We would appreciate it if you would, to the extent possible, provide this information electronically.

1. Please provide district policies and procedures regarding use of school district facilities, including the use of signage to advertise meetings or church services, whether meetings are open to the public, whether partisan political meetings are allowed, standard rental rates and fees, and any other terms and conditions.
2. Please provide (or point out in the material above) district policies regarding use of school facilities so as to maintain compliance with the non-preferential requirements of the California Constitution. For example, if a member of the public requests to use the facility which is already rented to a church on a repetitive basis, how do you determine who gets to use the facility? We also would like to know the procedures for processing (approving) such rental agreements.
3. Please provide information on “long term rental agreements” of school facilities by churches and church groups, etc. which are repetitive in nature, such as every Sunday, every Wednesday night, and extend more than one meeting per month, which are currently active or were active within the past five years. Please provide:
  - All applicable rental agreements, including terms and conditions, if this is easiest or
  - A typical rental agreement and a list of all such uses and any difference of terms and conditions.
4. Please provide any provisions of the California Education Code that you are aware of that supports the use of school district facilities under long-term rental agreements by churches to establish a de facto church on school premises.

Please feel free to call me if I can help to clarify these requests so as to minimize the work required and still allow me to get the information I need to investigate this. Frankly, locating operating churches in school district buildings is a practice I would like to see discontinued. If our initial investigation supports our current notion that such use is unconstitutional, then we will be making a formal request that you discontinue the practice.

Sincerely,



Raymond Lutz  
National Coordinator, Citizens' Oversight Projects